



Public Service Commission of Wisconsin

Daniel R. Ebert, Chairperson
Robert M. Garvin, Commissioner
Mark Meyer, Commissioner

610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

Public Service Commission of Wisconsin
RECEIVED: 03/10/06, 2:42:01 PM

March 10, 2006

Mr. Stephen Parker, Manager, State Regulatory Affairs
American Transmission Company
P.O. Box 47
Waukesha, WI 53187-0047

Re: Application of American Transmission Company, as an Electric
Public Utility, to Construct a New Waunakee Substation and Build
a New 138 kV Line From the North Madison Substation to the New
Waunakee Substation in the Towns of Vienna and Westport, Dane
County, WI

137-CE-139

Dear Mr. Parker:

Public Service Commission (Commission) staff and Department of Natural Resources (DNR) staff have completed an initial review of American Transmission Company's Certificate of Public Convenience and Necessity application for the North Madison to Huiskamp Project. Staff believes there is missing or inadequate information in the application, and that additional factual information is needed for a complete analysis and evaluation of this project.

I am attaching a compilation of questions and issues Commission and DNR staff have identified as needing more complete documentation by ATC. We would like you provide us with a date by which ATC staff would provide us with a complete response for all the items in the compilation. We would like to receive that estimated date by March 17, 2006 at the latest, so we can proceed with our completeness determination as required by state statute.

Please contact me if you have any questions regarding this letter.

Sincerely,

Dan Sage

Dan Sage
Assistant Division Administrator

DLS:SMF:ljv:L:\construction\construction-transmission lines\137-ce-139 nmadison-waunakee\communications\3-10-06info

Enclosure

cc: Dave Siebert - WDNR
Scot Cullen - PSC
Valerie Mellerop - PSC

March 2006

Additions and corrections
Needed for the
North Madison – Huiskamp 138 kV application

Discussion of need for the project and alternatives considered

There is a brief description of project need in the body of the document, and a highly technical description in Appendix B. Please expand on the discussion in the body of the document so that it's more understandable to the general public.

1. Similarly, expand on the discussion of the system alternatives considered and the reason for ATC's choice. Please drop the association of the two application routes with the analysis of system alternatives, as it confuses the issue.
2. Please address the common public question regarding a second North Madison – Sycamore 138 kV line.
3. There needs to be a more comprehensive and specific description of ATC's considerations of alternate technology substitutions as they relate to the energy priorities per Wis. Stat. 1.12(4).

Routing and environmental information

Wetlands and water crossings

4. The discussion of construction in surface waters and wetlands (2.5.1.7.3, page 33-34 of 47) is a boilerplate discussion. Please provide information that specifically addresses the actual wetland and stream crossings along the proposed routes, particularly for those in the Sixmile Creek corridor.
5. Provide an electronic copy of the wetlands delineation report (including the Floristic Quality Index information), which is referred to on page 28 of the application.
6. Appendix E, Table 2 wetland descriptions are inadequate. Please provide the dominant and non-dominant wetland vegetation for each of the 3 major strata (tree/shrub/herb). Also, remove references to "appears navigable" and "does not appear navigable" for each of the identified waterways.
7. To make Appendix E, Table 3 useful, it should include the following information:
 - a. channel width and depth
 - b. water depth and flow (if present)
 - c. bank slope
 - d. bed substrate (i.e. silt, sand, cobble, etc.)
 - e. in-stream habitat

8. Access to construction along the railway portion of the West Route could create a majority of the impacts to wetlands on that route. While actual access rests on future negotiations, please specifically describe the access to various sections of line or individual poles that ATC would hope to use. ATC's standard, access policy language is not sufficient for this case.
9. (2.4.10, page 26 of 47) This section does not note that access along segments 27 and 31 of the West Route would go through wetlands. Is access proposed from the railroad ROW? Appendix E, Table 2 indicates a wetland crossing of the Sixmile Creek wetlands that is not reflected in the discussion on page 26.
10. (2.5.8) Please note that no dewatering is allowed directly to storm sewer or waterways.
11. (2.8.1) Water quality certification from the DNR is issued under NR 299.

Endangered resources

12. The West Route runs along Sixmile Creek, and its riparian wetlands. Sixmile Creek is an Exceptional Resource Water of the state (ERW) under NR 102. It could be a corridor for species of concern (e.g. Blandings turtle) moving between Waunakee Marsh and Lake Mendota. Please address both the ERW and corridor aspects of Sixmile Creek, and describe avoidance and other special measures to be used along the stream and its wetlands should this route be selected.
13. (Section 2.4.2.4) Please describe what the uplands affected by the ROW *are* rather than what they *are not* because 42% and 33% are substantial portions of the centerline length. (The text reads that it excludes agriculture, forest, residential, road and road ROW, and the footnote in Table 2B suggests that it would also exclude commercial-industrial and wetlands, but the Rare Species Investigation Report emphasizes that the routes are mostly agricultural, "developed" or road edges.)
14. (Section 2.4.5, last paragraph) What is the height and/or stem diameter of "low growing woody vegetation", what is the dimension of the "area where transmission line structures would be installed", and what is the width of "access for construction equipment"? Is this standard language or are there locations along Segments 3, 31, 43a, 47 and 49 where this will be applied? It's not clear because the forested areas along these segments are described as being along the ROW edge.
15. (Section 2.4.7, par. 2, and sections 3.1, 3.3 and 4 of the Rare Species Investigation Report) Please modify the text in both documents so as to acknowledge the limitations of the ATC's field investigation and qualify the statement that "none of the eight (threatened or endangered) species were observed along either route during the field investigation". The statement as written leaves the impression that the field investigation was more conclusive than it actually was, given the method, extent, and timing of the survey.

In particular, please note that the timing (September 14 and 21) is not optimal for the following species:

- Hill's thistle – mid July to late August
 - prairie bush clover – mid July throughout Aug
 - prairie false dandelion – early May to mid June
 - prairie parsley – early May to late Aug
 - glade mallow – early July to late Aug
 - prairie dropseed and red-tailed prairie leafhopper – at single brood sites the leafhopper is active late-July through August
 - Henslow's sparrow – peak nesting from May through August
16. (Rare Species Investigation Report, Section 2.2) Please identify those segments where access was not available for the field investigation.
 17. (Rare Species Investigation Report, Section 3.4) There is an NHI occurrence of southern dry mesic forest located along Segment 49 of the preferred route. It would appear from the aerial that the limits of this occurrence have been reduced from the NHI mapping. Moreover, the forest to the north along the same segment has a description in the text of the CPCN, Section 2.4.5 similar to this natural community. The text should be revised to reflect a more meaningful interpretation of the NHI occurrence and the statement that no additional natural communities were identified should be revised. Impacts to the community north of Daley Road should also be addressed.
 18. (Rare Species Investigation Report, Section 4, last paragraph) Does this refer to poles or towers?
 19. (Rare Species Investigation Report, Table B2) What is the basis for determining no presence of red-tailed prairie leaf hopper habitat? The timing of the field investigation and/or the protocol used may be insufficient for making this determination. Please note that additional surveys may be required for this species.
 20. (Rare Species Investigation Report, Table B2) Please clarify the determination of no habitat for the prairie parsley and prairie bush-clover and habitat for the rough rattlesnake-root given that they have overlapping habitat characteristics and that the timing of the survey was not optimal for all three species.
 21. (Rare Species Investigation Report, Table B2) Please delete this phrase, under Impact Potential for Henslow's sparrow: "...the species can avoid construction activities." This statement is inaccurate. "Avoidance" needs to be demonstrated by the applicant based on knowledge of species presence and/or potential use of a site. If an active nest were present within or near the construction zone, it could not "avoid" the impact.
 22. (Rare Species Investigation Report, Table B2). Under Impact Potential for Blanding's, please revise this section so that it does not imply that an incidental approach would be used to determine the presence or absence of Blandings. This section should say that a habitat assessment will be completed along portions of the approved route that affect wetlands, and that avoidance measures will be applied if necessary. If one were to find Blanding's immediately prior to or during construction it would likely provoke a stop-

work until the situation is resolved. The habitat or species survey completed in advance of construction is intended to reduce this risk.

23. (2.5.4.2, page 36 of 47) Control of Invasive Species is only mentioned in relation to wetlands, and then only reed canary grass is mentioned. Provide strategies for controlling upland invasive species, particularly species such as wild parsnip (*Pastinaca sativa*).
24. (2.5.6.2, page 38 of 47) Provide an example of the decision flow chart that ATC will use for determining what erosion control measures to use at each construction site during construction.

Land uses

25. (2.5.1.7.2, page 33 of 47) Please address how ATC would work with property owners to replace trees lost to the new ROW on either route. Loss of shade trees or trees screening homes from roads was a concern of many at the ATC public information meetings.
26. Descriptions of what ATC would do to mitigate agricultural impacts are confusing as organized and written. Please place the discussion of compensation for damages in farmland (2.5.1.7.1, page 32 of 47) with the discussion of the restoration of affected agricultural land (pages 36-37). Specifically address for farmers what ATC would do to restore land under statute, and for what specific items ATC would negotiate to compensate landowners. More detail would be helpful.
27. ATC needs to place a disclaimer or correction at the front of Appendix B, Exhibit B, as well as in any references to Appendix B, Exhibit B. This disclaimer needs to briefly: 1) address the place of the study in ATC's choice of alternatives, 2) acknowledge the outdated nature of some information within that study, and 3) explain whether ATC's current, more detailed knowledge of costs and distances to residences and schools (or other particular changes in information) would have changed ATC's choice of preferred system alternative (and why or why not). Of particular concern is the discussion on page 35 of 52 regarding the distance to the new school and residential properties. For example, the distance from the closest proposed transmission pole to the east edge of the school property may be 200-300 feet less than the estimated 1,500 feet. Also, the distance from the center line of the transmission line to the nearest buildable residential lots in Savannah Village is considerably less than 1,000 feet (350-650 foot range).
28. (2.9.3.1, page 46 of 47) Provide specific information on county permits required for both routes. No information is currently provided.
29. The application is missing the village of Waunakee 2003 Comprehensive Plan maps and the Westport-Waunakee Joint Planning Area Comprehensive Plan maps.
30. Missing and confusing information

- a. (2.1.2.2, page 3 of 47) The length or width of new ROW needed in Segment 1 where the two 138kV lines would run parallel to each other is missing. The length of new ROW needed in Segments 24 and 35 is missing.
- b. (2.4.1.4, page 18 of 47) The land use percentages add up to 105% rather than 100%. Please explain how the 105% estimate was derived.
- c. (2.4.1.5.1, page 18 of 47) The number of residences within 300 feet of either route option should be specified here rather than forcing the reader to find Table 1 of Appendix A (not an easy task) and figure out the number of residences from the table.
- d. (2.4.2.7 page 21 of 47) County parkland is described as being “across Schumacher Road approximately 100 feet to the west of the Alternate Route...”. Shouldn’t that read “east of the alternate route”?
- e. (Table 2A) Please clarify that in the different land uses “length” refers to length of the centerline; and “acres” refers to the area within the ROW.
- f. (2.5.7, page 39 of 47). Please note that both state agencies expect ATC to submit maps locating temporary staging areas once they have been identified.

Design and Costs

31. Provide a cost and environmental analysis for placing the proposed line underground for both a 0.5 mile and a 1.0 mile stretch along STH 113 in the vicinity of Savannah Village. Many people at ATC’s public meetings brought this idea forward. It needs to be addressed in the application.
32. Please provide a map showing existing distribution along both routes, with a description as to type, and identification of where single-phase transmission would be placed underground, both along the route, and relative to the proposed line.
33. On that map, please also show the location of farms with contained animals within one distribution circuit mile of each route.
34. Provide a cost/mile for placing 3-phase and single-phase distribution underground. Provide the cost for placing all 3-phase distribution underground on each of the two routes.
35. (2.1.3.3, page 7 of 47). Option 3 construction costs are estimated as being “\$7 million dollars more than the recommended project”, or \$23 million. This would make the recommended project cost \$16 million rather than the \$12 million stated for the preferred route. This can be confusing and should be clarified.
36. Explain the difference in estimated costs for the project and project alternatives between Appendix B (Exhibit B, pages 2, 14, 16, 18 and 20 of 52) and what is shown in section 2.1.3.3 (page 7 of 47).

37. Provide an estimate of the total number of structures needed for each route.
38. Some endangered/threatened species surveys may be required prior to construction and the timing of these surveys needs to be incorporated into the construction schedule.